

Texas Chiropractic Board Report



January 2021 Issue One

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Summary of Actions

This is a summary of the Board's rulemaking actions taken during the two most recent meetings on August 20, 2020 and November 19, 2020.

At the August 20, 2020, meeting, the Board voted to adopt the following changes to the Texas Administrative Code (TAC):

Amended:

22 TAC §78.14 (Acupuncture) effective 9/10

Repealed and Replaced:

22 TAC §72.14 (Renewing a License) effective 9/10

22 TAC §72.15 (Temporary License) effective 9/13

22 TAC §72.18 (Criminal History) effective 9/13

22 TAC §76.1 (Required Contents of Patient Records) effective 9/13

22 TAC §76.2 (Requests for Patient Records) effective 9/13

22 TAC §79.1 (Inappropriate Sexual Conduct) effective 9/13

22 TAC §80.2 (Complaint Procedures) effective 9/13

New:

22 TAC §76.3 (Fees for Providing Patient Records) effective 9/13

22 TAC §76.4 (Duty to Maintain and Store Patient Records) effective 9/13

22 TAC §79.3 (Financial Misconduct) effective 9/13

22 TAC §80.11 (Informal Settlement Conferences) effective 9/13

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... Summary of Actions

Repealed:

- | | |
|---|----------------|
| 22 TAC §80.8 (Default on Student Loans) | effective 9/10 |
| 22 TAC §82.4 (Private Donors) | effective 9/10 |

At its November 19, 2020, meeting, the Board approved the following actions concerning the Board's rules in the Texas Administrative Code (TAC):

Adopted New Rules:

- | | |
|--|----------------|
| 22 TAC §78.5 (Delegation of Radiologic Procedures) | effective 12/9 |
| 22 TAC §80.12 (Retention of Investigative Records) | effective 12/9 |

Proposed New Rules:

- 22 TAC §74.1 (Substance Abuse Testing and Monitoring of Applicants)
- 22 TAC §74.2 (Substance Abuse Testing and Monitoring of Licensees)
- 22 TAC §75.9 (Closing a Practice)
- 22 TAC §78.10 (Prohibitions on Animal Chiropractic)

Proposed Repeal and Replacement:

- 22 TAC §80.4 (Schedule of Penalties)

Publication Date: January 2021

The **Texas Chiropractic Board Report** is the official publication of the Texas Board of Chiropractic Examiners. Newsletters are published following Board meetings, which are typically held in February, May, August, and November.

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President's Message

Reflection and Optimism



In writing these newsletter messages to you, our licensees and the public, my goal is always to acknowledge our profession's most compelling challenges, and to provide clarity and guidance for regulation compliance in our

current environment. As we consider the year 2020, we look back at a year of immense challenge for everyone, this agency included. Topping the list was clarifying the governor's COVID-19 pandemic safety mandates as they pertained to chiropractors. Of equal importance, we presented our oral arguments to the Texas Supreme Court to defend our rule which includes nerves in chiropractic practice. We also considered chiropractors' involvement in telehealth, stem cell therapy, animal chiropractic, acupuncture, and more, providing advisories and drafting rules, as necessary. Additionally, we are finalizing revisions to our continuing education requirements along with a new jurisprudence examination and review course which will also be available for CE credit.

Operationally, the TBCE has managed to maintain efficient service by keeping the office open with at least one staff member and otherwise working remotely and communicating electronically. There have been many benefits in doing so, including reduced expenses for Board Member travel and of course the time savings. Our productivity has not wavered, and in fact we have generated and processed a staggering number of changes to the Texas Administrative Code in the last 30 months.

Since 2018, the Board has submitted 278 rulemaking actions to the Secretary of State, with 64% of those submitted in 2020. We estimate that the time just for submitting these actions was over 90 hours, which added to the man-hours involved in drafting and editing becomes a lofty number. Credit goes to Mr. Burnett for the initiative and legal counsel, Dr. Henry and his Rules Committee, and Mr. Fortner and his entire agency staff for contributing insights related to their specialty positions. It brings me great pleasure to announce that this rules-renovation project is complete! No rules will be considered at the next meeting!

So as 2020 draws to a close, we reflect, we celebrate our accomplishments, and then we look forward to a new year of opportunity. Our commitment to the health and safety of patients across Texas has provided us with the strength to persevere. We have applied information technology to bring our open public meetings to you on virtual platforms, smashing previous audience attendance records for regular Board and special stakeholder meetings. The TBCE is an efficient, hard-working team of dedicated professionals to which I extend my gratitude. It is truly an honor to work alongside people with vision and commitment.

This attitude of service among Board members and agency personnel, along with a cooperative network of continuing education providers and a receptive body of licensed chiropractic professionals across the great state of Texas gives me encouragement to look forward to 2021 with optimism.

Mark R. Bronson, D.C.



Texas Board of Chiropractic Examiners

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Attention New Licensees

Your first renewal cycle is **pro-rated** and generally not a full twelve months, thus completion of your Continuing Education (CE) requirements is not required until *after* your first license renewal.

When you renew your license for the second time, you should have completed thirty-two (32) hours of approved CE, 16 each year, including the four (4) hours in Board-required topics and the one-time, eight (8) required hours for Medicare for new licensees. Licensees are randomly audited for continuing education compliance.



Board Disciplinary Actions Taken



The following is a summary of the disciplinary actions taken by the Board during the two most recent board meetings held on August 20, 2020 and November 19, 2020.

Dino J. Demetriou, License No. 5325 (Revoked)
Pasadena

Ordered to cease and desist from the unlicensed practice of chiropractic.

Ndon N. Emah, License No. 8810 (Revoked)
Houston

Ordered to cease and desist from the unlicensed practice of chiropractic.

Roy L. Youngblood, License No. N/A
Lancaster

Ordered to cease and desist from the unlicensed practice of chiropractic.

Dean Elliot Draluck, License No. N/A
Dallas

Ordered to cease and desist from representing himself to the public as a chiropractor without a valid license.

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... Board Disciplinary Actions Taken

Eric Shay, License No. N/A

San Antonio

Ordered to cease and desist from representing himself to the public as a chiropractor without a valid license.

Randall Baugh Johns, License No. 9359

Texarkana

Ordered to cease and desist from using the academic title of “Doctor” or “Dr.” without specifying that he is not licensed to practice chiropractic in Texas.

Brad Hightower, License No. N/A

Fort Worth

Ordered to cease and desist from the unlicensed practice of chiropractic.

Carlos Gamez, License No. N/A

Fort Worth

Ordered to cease and desist from the unlicensed practice of chiropractic.

Bryce Calvillo, License No. N/A

Fort Worth

Ordered to cease and desist from using the academic title of “Doctor” or “Dr.” without specifying that he is not licensed to practice chiropractic in Texas.

Bennett Patterson, License No. N/A

Plano

Ordered to cease and desist from representing himself to the public as a chiropractor without a valid license.

Glenn Robert Robinson, License No. 4991

Dallas

Administrative fine of \$300.00 for failing to timely respond to a complaint.

Richard Brian Shaffer, License No. 13115

Austin

Administrative fine of \$300.00 for inadvertent unauthorized disclosure of patient records.

Maegan Moseley Stanga, License No. 11761

San Antonio

Administrative fine of \$1,500.00 and ordered to take and pass the Texas Chiropractic Jurisprudence Examination for advertising for services outside the scope of practice and lack of diligence in maintaining patient records.

Shawn S. Delk, License No. 8891

Sugar Land

Administrative fine of \$1,000.00 and ordered to take and pass the Texas Chiropractic Jurisprudence Examination for failing to timely report a criminal conviction.

Day Lee Snell, License No. 4192

Houston

Administrative fine of \$1,000.00 and ordered to take and pass the Texas Chiropractic Jurisprudence Examination for failing to timely report a criminal conviction.

Benjamin Joseph Hansen, License No. 13309

Galveston

Administrative fine of \$1,000.00 for failing to adequately supervise employees regarding patient billing.

Executive Director's Message



As you may know, the Texas Board of Chiropractic Examiners held an online stakeholder meeting last fall concerning the proliferation of so-called "Stem Cell" treatments within multi-disciplinary or integrated clinics where licensed chiropractors may practice or have an ownership stake.

The Board also discussed the topic at length during our November 9th regular meeting and we've fielded a few inquiries about the topic since then.

Please rest assured that the Board has no intention of infringing upon a DC's right to practice in the setting of their choosing.

In fact, we have gone to great lengths to modify rules which accommodate such practices. However, when participants allow financial or other motivations to dictate patient care and case management, there can be problems that can lead to violations of rule or statute and the Board will rightfully pursue the proper resolution of such violations under its charge to protect the public.

In other business in our last meeting, the Board proposed a rule related to "Animal Chiropractic." This rule highlights and clarifies the treatment of animals as out of scope based on Chapter 201's limiting chiropractic to the "human body," but recognizes that the State Board of Veterinary Medical Examiners has jurisdiction relating to chiropractic-related techniques and treatments of non-human animals.

Best wishes to you all in 2021.

Occupations Code Chapter 116

Effective September 1, 2020, in order to renew a license, all licensees must complete an HHSC approved course in human trafficking awareness training as directed by Occupations Code Chapter 116.

The HHSC list of approved courses can be found here:

<https://hhs.texas.gov/sites/default/files/documents/services/safety/human-trafficking/hhs-approved-human-trafficking-training.pdf>

As a health care practitioner in the state of Texas, you can take any course that appears on this list.

Select the course, and click the link in the "Delivery Method" column and it will take you to that specific course platform. Once you complete the course, it is YOUR responsibility to submit the certificate of completion to the Board. Please include your license number and email the certificate to licensing@tbce.texas.gov or by fax to (512) 305-6705.

DO NOT wait until the last minute to resolve a hold that may be on your license renewal. Once we remove the hold, there is a two day period for the new record to integrate with our payment system. You are responsible for all impacts to your license, up to and including fines and/or late fees for late license renewal.

Agency Licensing Summary through November 30, 2020



Active License	6, 024
CE-Conditional License	52
Expired License	676
Inactive License	504
Non-Renewable License	2,941
Probated License	8
Suspended License	3



Compliance & Investigations Information

A total number of 161 cases were open as of October 29, 2020.

The average number of days to close these cases was 405 days.

The following information reflect the cases closed and reported at the November 2020 Board Meeting.

Complaint Resolutions	
Voluntary Surrender	1
Closed by Board Order	1
Closed by Agreed Order	6
Closed with Letter of Education	1
Closed –Referred to Texas Medical Board	1
Closed-Referred to Texas Workers Compensation	1
Closed-Complainant Withdrawn	2
Closed-Insufficient Evidence	4
Closed-Non-Jurisdictional	2
Closed-No Violation	6
Total	25

Top 3 Complaints Received
Practicing Without A License
Lack of Due Diligence
Engaging in Unprofessional Conduct

TBCE Welcomes New DC Licensees**Issued June 2020, through November 2020**

Lauren Wall-Horn, D.C.
Joseph Brignac, III, D.C.
Yolanda Uribe, D.C.
Joel Lopacinski, D.C.
Shandreika Neal, D.C.
Kyle Hurst, D.C.
Gerard Arcizo, D.C.
Abbie Hunt, D.C.
David Yi, D.C.
Jose Barcelo, D.C.
Garrett deMeyere, D.C.
Layne Palm, D.C.
Nathaniel Marcel, D.C.
Laura Nelson, D.C.
Charné Smuts, D.C.
Kara Penson, D.C.
Gary Hoste, D.C.
Benjamin Sachs, D.C.
Jessica Conlon, D.C.
Shelby Cuellar, D.C.
Dayana Bucarello Montoya, D.C.
James Perry, D.C.
Pia Martin, D.C.
Monique Mayo, D.C.
Katherine Mullen, D.C.
Chase Davidson, D.C.
Peter Johnson, D.C.
Rachael Durst, D.C.
Huong Nguyen, D.C.
Michael Ruscio, D.C.
David Torres Merced, D.C.
Jacob De Arton, D.C.
Chad Harris, D.C.
Anthony Crifase, D.C.
Marita Jahangiri, D.C.
William Lindenfield, D.C.
Kindry Kirbo, D.C.
Emily Dubrick, D.C.
Diana Finley, D.C.

Chau Nguyen, D.C.
Morgan Hudson, D.C.
Evaristo Vazquez, Jr., D.C.
David Marshall, D.C.
La'Keisha Taylor, D.C.
Fisseha Gebremedhin, D.C.
Lilia Baldazo, D.C.
Kelli-Jo Richard, D.C.
William Valdez, D.C.
Celanie Diaz-Adames, D.C.
Aaron Henckel, D.C.
Chad London, D.C.
Stephany Uc, D.C.
Connor Thomas, D.C.
Alexandra Foshion, D.C.
Keagan Smallwood, D.C.
Octavio Casas, D.C.
Zachary Cambron, D.C.
Andrea Irizarry-Bonilla, D.C.
Ismael Gonzalez, D.C.
Taylor Luster, D.C.
Mia Cunningham, D.C.
Shellie Smith, D.C.
Kayla Day, D.C.
Nicholas Fedele, D.C.
Katherine Rings, D.C.
Katieanne Neaves, D.C.
Alicia Rodriguez, D.C.
Roy Cole, D.C.
Jacob Wilson, D.C.
Ian Soderqvist, D.C.
Dingbo Shi, D.C.
Jacee Wells, D.C.
Lisa Ly, D.C.
Haley Black, D.C.
Wyatt Campbell, D.C.
Daniel Jacobazzi, D.C.
Romy Sagen, D.C.
Chris Mata, D.C.
Oliver Servin, D.C.

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..TBCE Welcomes New DC Licensees

Nesemio Santiago, D.C.
Mohammad Safavi, D.C.
Matthew Centofonti, D.C.
Parker Toliver, D.C.
Erika Fierro, D.C.
Zachary Foreman, D.C.
Shawn Brown, D.C.
Terrance Paris, D.C.
Jeffrey Brown, Jr., D.C.
Madison DeHoyos, D.C.
Genesis Travez Arana, D.C.
Shelby Franklin, D.C.
Shayan Gulzar, D.C.
John Hutcherson, D.C.
Beverly De La Cruz, D.C.
Noah Riegel, D.C.
Anthony Nguyen, D.C.
Marc Tafuro, D.C.
Steven Capobianco, D.C.
Jeannie Rose Kakizaki, D.C.
Haydn Storey, D.C.
Guillermo Vazquez, D.C.
Idileimy Hernandez-Barreto, D.C.
Caleb Powell, D.C.
Henry Pham, D.C.
Leslie Keehne, D.C.
Kristina Constant, D.C.
Hayley McHugh, D.C.
Jennifer Painter, D.C.
Wendy Kitterman, D.C.
Matthew Hubbard, D.C.
Leomilka Torres Negrón, D.C.
Michael Donohue, D.C.
Jordan Masso, D.C.
Daniel Perkins, D.C.
Gregory Polson, D.C.
David Hunt, D.C.
Hannah Zimmer, D.C.

Morgan Towles, D.C.
Kenneth Espenas, D.C.
Monte Broussard, D.C.
Jessica Hernandez, D.C.
Camille McClendon, D.C.
Robert Franco, D.C.
Troy Dumais, D.C.
MaRiah Moore, D.C.
Marc Ivey, D.C.
Tamara Finch, D.C.
Cole Roemer, D.C.
Danielle Horning, D.C.
Mason Modad, D.C.
Daniel Sleeman, D.C.

Reinstatements:

Elizabeth Isaac, D.C.
Kimberly McCutchen, D.C.
Benjamin Hansen, D.C.
Lawrence Parks, D.C.
Leo Thatcher, D.C.
Randall Moore, D.C.
Laura Verga, D.C.
Morgan Harris, D.C.
Cody Cantwell, D.C.

Texas Chiropractic Board Report Memorials



Dr. William "Bill" O'Mara was born on January 29, 1956, and passed away on October 18, 2020. Dr. O'Mara graduated from Texas Chiropractic College on April 13, 1984. He began his career in Baton Rouge, Louisiana before being licensed by the Texas Board on February 28, 1987, and coming to East Texas where he practiced for 36 years in Kilgore and Henderson. A memorial visitation was held on October 22, 2020, at Crawford A. Crim Funeral Home. Condolences may be made at www.crawfordacrim.com.



Dr. Mark Walker, DC was born on May 6, 1954, and passed away on October 11, 2020. Dr. Walker won a tennis scholarship to North Texas State University, attended Texas Chiropractic College and graduated on December 1, 1988. Dr. Walker was licensed by the Texas Board of Chiropractic Examiners on December 1, 1989, and held a chiropractic license in Texas from 1989 to 2020. When COVID restrictions are lifted, a memorial service in Mark's honor will be held at Smith Funeral Home in Sarnia, ON.



Dr. Elmer Addington, DC was born on January 27, 1950, and passed away on June 15, 2020. Dr. Addington graduated from Palmer Chiropractic College on January 1, 1981, and was licensed by the Texas Board of Chiropractic Examiners on July 17, 1982. Graveside services were held on Wednesday, June 17, 2020, at Mount Olivet Cemetery.

Memorials are published by the Board at no cost, as a tribute to deceased Texas doctors of chiropractic. Information included is primarily related to the individual's accomplishments in the chiropractic profession. To submit a memorial, please email tbce@tbce.state.tx.us, or call (512) 305-6906 for more information.